EXHIBIT 2

Redacted Version of Document Sought to be Sealed

1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   SAN JOSE DIVISION   COPY

4

5   CHASOM BROWN, MARIA NGUYEN, AND   )   C-20-03664 LHK
    WILLIAM BYATT, INDIVIDUALLY AND   )
6   ON BEHALF OF ALL SIMILARLY   )   SAN JOSE, CALIFORNIA
    SITUATED,   )
7   )   APRIL 29, 2021
                   PLAINTIFF,   )
8   )   PAGES 1-44
            VS.   )
9   )   **SEALED PROCEEDINGS**
    GOOGLE LLC AND ALPHABET INC.,   )
10   )
                   DEFENDANTS.   )
11   _____)

12

13   TRANSCRIPT OF ZOOM PROCEEDINGS
            BEFORE THE HONORABLE LUCY H. KOH
14   UNITED STATES DISTRICT JUDGE

15

16   A P P E A R A N C E S:

17   FOR THE PLAINTIFFS: SUSMAN GODFREY LLP
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21

22   APPEARANCES CONTINUED ON NEXT PAGE

23   OFFICIAL COURT REPORTER: LEE-ANNE SHORTRIDGE, CSR, CRR
                                 CERTIFICATE NUMBER 9595
24

25   PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY
            TRANSCRIPT PRODUCED WITH COMPUTER

            UNITED STATES COURT REPORTERS

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2   APPEARANCES (CONTINUED)

3

4   FOR THE PLAINTIFFS: BOIES SCHILLER FLEXNER LLP
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5   BEKO REBLITZ-RICHARDSON
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12   FOR THE DEFENDANT: QUINN EMANUEL URQUHART & SULLIVAN
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15   BY: STEPHEN A. BROOME
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21   BY: JONATHAN TSE
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23

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8

1   BUT YOU ALSO, YOUR HONOR, YOU HEARD THE CONCEPT OF TWICE

2   BAKED CRACKERS. WE ACTUALLY BELIEVE THAT THAT'S ACTUALLY A

3   CODE WORD FOR THIS IDEA OF TWICE BAKED BEING THAT GOOGLE WOULD

4   ESSENTIALLY TAKE PARAMETERS, SUCH AS I.P. ADDRESSES AND/OR USER

5   AGENTS, SOMEHOW CODE THAT INTO THE COOKIE WHICH IS BEING

6   DISTRIBUTED, AND THAT BECOMES A WAY IN WHICH YOU WOULD UNIFY

7   THE DIFFERENT RECORDS FROM DIFFERENT PLACES. OKAY?

8   THIS IDEA OF A TWICE BAKED COOKIE IS THE IDEA THAT THERE'S

9   EITHER A COOKIE WITHIN THE COOKIE, OR THIS COOKIE IS SOMEHOW A

10   PERMUTATION OF THE COOKIES THAT HAVE BEEN DISTRIBUTED OUT

11   THERE.

12   WE BELIEVE THAT WE'RE ENTITLED TO EXPLORE THAT, AND WE

13   BELIEVE THAT THE EVIDENCE AND DOCUMENTS WHICH HAVE BEEN

14   PRODUCED THUS FAR CERTAINLY DEMONSTRATES THAT AS WELL.

15   AND AS YOU JUST HEARD, YOUR HONOR, FROM OPPOSING COUNSEL,

16   THESE THINGS ARE KEYED TO THE DEVICES.

17   TO ARGUE THAT GOOGLE IS NOT REQUIRED TO PRODUCE OVER

18   DEVICE -- ON THE BASIS OF DEVICE IDENTIFICATION WOULD BE

19   EQUIVALENT OF A PRODUCT LIABILITY CASE IN WHICH THE CAR

20   MANUFACTURERS SAYS BECAUSE SOMEBODY, YOU KNOW, MAY HAVE LENT

21   THE CAR IN WHICH SOMEBODY BOUGHT TO THE SPOUSE OR TO HIS OR HER

22   KIDS, THERE IS SOME TYPE OF RELEVANCE OR MERITS-BASED ARGUMENT

23   TO NOT ALLOW THE PLAINTIFFS TO BE ABLE TO CONDUCT DISCOVERY ON

24   THE RECORDS.

25   WE THINK THAT'S JUST ABSOLUTELY UNMERITED. SO ON THAT

 1   BASIS IN TERMS OF WHAT WE'RE ASKING FOR, YOUR HONOR, IS THAT

 2   WE'RE ASKING FOR DISCOVERY INTO BOTH THE STRUCTURED AND

 3   UNSTRUCTURED DATA. WE BELIEVE THAT WE'RE ENTITLED TO THAT ON

 4   BEHALF OF THE CLASS, AND WE ALSO BELIEVE THAT WE'RE ABSOLUTELY

 5   ENTITLED TO THAT AS A MATTER OF RIGHT FOR THE SPECIFICALLY

 6   NAMED PLAINTIFFS.

 7   AND THEN I JUST WANT TO TOUCH -- I BELIEVE THIS ADDRESSES

 8   BOTH P6 AND P3, YOUR HONOR.

 9   BUT I ALSO WANT TO JUST OFFER UP THIS IDEA THAT AS THE

10   CALHOUN TEAM HAD MENTIONED, THIS IS -- ACTUALLY BOTH THE

11   STRUCTURED AND UNSTRUCTURED DATA ARE ALL ACTUALLY SEARCHABLE

12   USING GOOGLE'S ALREADY BUILT TOOLS INTERNAL AND ACCESSIBLE TO

13   THEIR EMPLOYEES.

14   I BELIEVE THAT THE CODE WORD FOR THIS TOOL IS CALLED

15   DREMEL -- THAT'S D-R-E-M-E-L -- DREMEL. I THINK IT'S -- I

16   THINK IT'S A ROUNDED SAW, YOUR HONOR. I THINK IT'S A PUN FOR

17   BASICALLY PRUNING DATA, YOU KNOW, BY DOING SEARCHES AND DOING

18   QUERIES.

19   SO I THINK ONE OF THE CONCEPTS IN WHICH WE'RE THINKING --

20   WHICH WE ARE NOT ASKING YOUR HONOR TO BASICALLY RULE TODAY --

21   IS THAT WE DO BELIEVE THAT OUR EXPERTS SHOULD BE ENTITLED TO

22   USE DREMEL AND ALSO TO SEE HOW ███████ ACTUALLY STRUCTURES THE

23   DATA BECAUSE THAT WOULD BE VERY INSIGHTFUL IN TERMS OF HOW

24   GOOGLE ACTUALLY STORES AND USES THE DATA.

25   AND IF GOOGLE IS GOING TO MAKE THE ARGUMENT THAT DATA IS

1   CERTAINLY -- IS ACTUALLY SEGREGATED, WE'RE NOT REQUIRED, YOUR

2   HONOR, AS A MATTER OF LAW TO JUST SIMPLY TAKE THEM AT THEIR

3   WORD. WE'RE ACTUALLY ENTITLED TO TEST THAT. THEY CAN'T USE

4   THAT BOTH AS A SWORD AND AS A SHIELD. YOU KNOW, I THINK

5   WE'RE -- WE HAVE EXHIBITS TO SHOW YOU BASICALLY THIS DREMEL

6   TOOL IF YOUR HONOR WANTS TO SEE IT.

7   WE ALSO UNDERSTAND THE NEED FOR EFFICIENCY AND EFFICACY,

8   SO, YOU KNOW, I THINK OUR PROPOSAL IS PROBABLY GOING TO BE THAT

9   WE SET THIS ON FOR A SET OF BRIEFING, YOUR HONOR.

10   THE COURT: WELL, WE HAVE -- WE DID HAVE BRIEF

11   SEPARATE BRIEFING ON IT. THAT'S WHAT BROUGHT US HERE. AND AS

12   I UNDERSTOOD FROM -- AS I UNDERSTAND FROM PLAINTIFFS'

13   SUBMISSION IS THAT THE -- AT LEAST THE EXAMPLE SET FORTH IN THE

14   SUBMISSION IS TO THE EXTENT YOU'RE LOOKING FOR CLASS

15   IDENTIFICATION INFORMATION THAT WOULD IDENTIFY USERS WHO ARE IN

16   INCOGNITO MODE OR IN PRIVATE BROWSING AND ARE NOT LOGGED INTO

17   THE ACCOUNT, INTO THEIR GOOGLE ACCOUNT, THAT PLAINTIFFS HAVE

18   REPRESENTED THAT, WELL, WHEN YOU'RE IN INCOGNITO MODE, THE

19   X-CLIENT-DATA HEADER DOESN'T, DOESN'T TRANSFER, THAT FIELD IS

20   BLANK; AND THAT THERE ARE HEADER LOGS, AND THAT IF YOU LOOK AT

21   THE HEADER LOGS -- AND I ASSUME THAT THAT'S ONE OF YOUR

22   UNSTRUCTURED LOGS THAT YOU WERE REFERRING TO -- THAT THEN THE

23   FIELD FOR X-CLIENT-DATA WOULD BE EMPTY, SO THAT WOULD TELL YOU

24   WHO WAS ENGAGED IN PRIVATE BROWSING.

25   AND THEN WITH REGARDS TO WHO IS -- WHETHER OR NOT -- WELL,

1   SEPARATELY, WHETHER OR NOT A USER IS LOGGED IN, THAT THAT'S

2   WHERE THE SPECIAL COOKIES OR SPECIAL IDENTIFIERS COME INTO PLAY

3   IN THAT THERE ARE SPECIFIC COOKIES THAT ARE USED TO IDENTIFY

4   USERS WHEN THEY'RE NOT LOGGED INTO THEIR ACCOUNT. AND I THINK

5   YOU CITED ONE OF THE USER -- ONE OF THE GOOGLE DOCUMENTS THAT

6   DESCRIBES THAT FUNCTION.

7   SO -- AND I APPRECIATE THAT GOOGLE TAKES ISSUE

8   PARTICULARLY WITH REGARDS TO WHAT AN EMPTY X-DATA FIELD DOES OR

9   DOES NOT SHOW.

10   BUT FOR PURPOSES, MR. MAO, OF MY QUESTION TO YOU IS THAT,

11   ALL RIGHT, WELL, ASSUMING THAT'S TRUE, THAT THERE ARE THOSE

12   UNSTRUCTURED LOGS, WHAT IS IT THAT YOU'RE ASKING FOR FOR THE

13   NAMED PLAINTIFFS FOR A CERTAIN PERIOD OF TIME? WHAT THEIR --

14   HEADER LOGS SO YOU CAN IDENTIFY WHEN THEY'RE NOT -- EXCUSE

15   ME -- IDENTIFY WHEN THEY'RE IN PRIVATE BROWSING MODE?

16   AND THEN FOR THEIR COOKIES, WHAT, HISTORY OR SOMETHING

17   THAT WOULD SHOW THAT THEY WERE -- THEY WERE NOT LOGGED IN AT

18   THE TIME?

19   AND, AGAIN, I HEAR -- WE'LL GET TO GOOGLE'S ARGUMENT THAT

20   THE COOKIES DISAPPEAR IN A MINUTE, BUT WHAT IS IT THAT YOU'RE
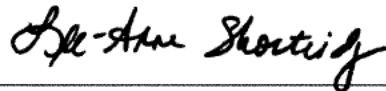
21   ASKING FOR?

22   MR. MAO: THANK YOU, YOUR HONOR. THAT WAS HELPFUL IN

23   TERMS OF GUIDING HOW I RESPOND TO THE QUESTION.

24   SO I ACTUALLY BELIEVE THAT GOOGLE'S LOGGING BOTH FOR

25   STRUCTURE AND LESS STRUCTURED TABLES IS ACTUALLY IN PARALLEL.

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3   CERTIFICATE OF REPORTER

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7   I, THE UNDERSIGNED OFFICIAL COURT REPORTER OF THE UNITED

8   STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,

9   280 SOUTH FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY

10   CERTIFY:

11   THAT THE FOREGOING TRANSCRIPT, CERTIFICATE INCLUSIVE, IS

12   A CORRECT TRANSCRIPT FROM THE RECORD OF ZOOM PROCEEDINGS IN THE

13   ABOVE-ENTITLED MATTER.

14

15

16   _____

      LEE-ANNE SHORTRIDGE, CSR, CRR

17   CERTIFICATE NUMBER 9595

18   DATED: MAY 3, 2021

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